

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Adv. Pro. No. 06-01955-ajg

Jesse Najjr,

Debtor.

Hon. Arthur J. Gonzalez

Jack Lefkowitz,

Plaintiff,

Chapter 7

-against-

Case No. 06-10895

Jesse Najjr,

Defendant.

ADVERSARY PROCEEDING ANSWER

The Debtor-Defendant JESSE NAJJAR by his attorney Lance Roger Spodek, P.C. interposes the following Answer to the Complaint of Plaintiff, dated December 4, 2006 and demands all papers be served upon counsel.

ADMITS: Paragraphs 1, 2, 3, 4, 5, 6, and 19.

DENIES: Paragraphs 7 (but admits a Defendant was a principal in a business transaction involving the Plaintiff), 8 (but admits a Defendant was a principal in a business transaction involving the Plaintiff), 9, 10 (exhibits A, B and C not docketed on the ECF system), 11, 12, 13, 14, 15, 16, 17, 18, 20, and 21.

FIRST AFFIRMATIVE DEFENSE: The plaintiff is time barred from filing his Complaint as the bar date to have filed a Complaint Objecting to Discharge or to Determine the Dischargeability of Certain Debts was August 1, 2006.

SECOND AFFIRMATIVE DEFENSE: The Debtor-Defendant has been already granted a Discharge prior to the commencement of this Adversary proceeding.

THIRD AFFIRMATIVE DEFENSE: The plaintiff has failed to properly serve the defendant and accordingly this court, most respectfully, does not have *in personam* jurisdiction of the defendant for the purpose of the above captioned Adversary Proceeding. The service of the Summons and Complaint was defective. Service of the Summons and Complaint was action was not performed in accordance with the mandates of the New York State Civil Practice Law and Rules, the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Interim Bankruptcy Rules, as each pertaining to the service of an Adversary Proceeding Summons and Complaint.

Dated: New York, NY
December 27, 2006

//S// Lance Roger Spodek

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